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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,425	12/06/2001	Mark John McGrath	450110-03713	2797
20999	7590	04/23/2004	EXAMINER	
FROMMERM LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			NGUYEN, MERILYN P	
		ART UNIT		PAPER NUMBER
		2171		5
DATE MAILED: 04/23/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/006,425	MCGRATH ET AL.
	Examiner	Art Unit
	Marilyn P Nguyen	2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 06 December 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input checked="" type="checkbox"/> Other: <u>Detailed Action</u> . |

DETAILED ACTION

1. Claims 1-16 are pending in this office action.
2. This application claims priority to Foreign Application No. 0029893.5 filed on December 7, 2000.

Acknowledges

3. Receipt is acknowledged of the following items:
 - o Information Disclosure Statement (IDS) filed on 12/06/2001 and made of record as Paper No. 4. The references cited on the PTOL 1449 form have been considered.

Abstract

4. The abstract of the disclosure is objected to because the abstract should be in narrative form and should not repeat the claim language. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, there is insufficient antecedent basis for “said basis of a uniform resource locator” at line 5.

Regarding claim 9, there is insufficient antecedent basis for “said world wide web” at line 2.

Regarding claim 11, there is insufficient antecedent basis for “said basis of” at line 7, and “said metadata” at line 9.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sull (US 2002/0069218), in view of Applicant’s admitted prior art.

Regarding claims 1, 10, 11, and 12, Sull discloses a video information retrieval system (See Figs. 3, 12, 16, 18, 49, 53, and 68) comprising:

- (i) a client system (See Fig. 18, reference 1808, and Fig. 53, clients 5322, 5324, 5326, 5328, 5330, 5332, 5340, for examples) having:
 - (ii) means for issuing a search request in respect of desired video material (See [0002], [0052-0055], [0062], and [0071-0072]); and
 - (iii) means for accessing video material on said basis of a uniform resource locator (URL) and a unique identifier (See [0053-0054], [0176-0177], and [0196]);

a server system (Server 5314, Fig. 53) having:

- (i) access to one or more databases containing metadata information (metadata database 6808, Fig. 68) relating to a plurality of video material items, a ID associated with each video material item and at least one URL associated with each ID (See [0221-0222], [0325-0329]);
- (ii) means for receiving a search request from said client system and detecting one or more video material items for which metadata information stored in at least one of said database(s) substantially corresponds to said search request(See [0329]);
- (iii) means for supplying said metadata information, said URL and said ID relating to said one or more detected video material items to said client system (See [0022], [0316-0319]);
- (iv) and at least one video repository (Video database 1806, Fig. 18) having:
- (v) a video storage arrangement storing video material and associated ID data (See [0168]);
- (vi) in which said metadata, said URL and said ID are communicated between said server and said client using a markup language having descriptors for data content (See Figs. 36-39).

Sull fails to disclose using unique material identifier (UMID) for his video information retrieval system. Applicant's admitted prior art discloses UMID (See page 6, 11-32). It would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify /include in the system of Sull the UMID to identify video clip as suggested by Applicant's admitted prior art. Since the system of Sull using different types of identifiers to retrieve video materials, the

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ordinarily skilled artisan would have been motivated to modify Sull so that uniquely and unambiguously video clip can be obtained.

Regarding claim 2, the combination of Sull and applicant's admitted prior art discloses search requests are communicated between said server and said client using a markup language having descriptors for data content (See [0186], [0196]).

Regarding claim 3, the combination of Sull and applicant's admitted prior art discloses said database stores metadata in a hierarchical representation using a markup language having descriptors for data content (See [0032-0033], and [0073]).

Regarding claim 4, the combination of Sull and applicant's admitted prior art discloses said markup language is an extensible markup language (XML) (See Figs. 36-39).

Regarding claim 5, the combination of Sull and applicant's admitted prior art discloses said client and said server communicate via http port 80 (See [0186], Table 1), http is assigned to port 80 as was well known in the art.

Regarding claims 6 and 7, the combination of Sull and applicant's admitted prior art discloses said server system is operable to supply URLs to said client system for accessing said video material in a broadcast and sub-broadcast quality representation (See [0176], [0336-0338]).

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Regarding claim 8, the combination of Sull and applicant's admitted prior art discloses said server system is operable to supply URLs and video timecodes to said client system for accessing single images representative of said content of the video material (See Fig. 49, [0209], [0265], [0321], [0322]).

Regarding claim 9, the combination of Sull and applicant's admitted prior art discloses said server, said client and said video repository communicate via said world wide web (Internet 1814, Fig. 18, and [0020]).

Regarding claims 13-16, the combination of Sull and applicant's admitted prior art discloses computer software having program code and data providing medium for carrying out a method of claim 12 (Figs. 36-41)

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kenner U.S Patent No. 5,956,716 discloses system and method for delivery of video data over a computer network.

Dey U.S Patent No. 6,493,707 discloses hypervideo: information retrieval using real time buffers.

Wiener U.S Patent No. 6,598,051 discloses web page connectivity server.

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Peterson U.S Patent No. 6,502,137 discloses system and method for transferring information over a computer network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Merilyn P Nguyen whose telephone number is 703-305-5177. The examiner can normally be reached on M-F: 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Mn.
MN
April 13, 2004


SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100